

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CALIFORNIA ENVIRONMENTAL
PROTECTION ASSOCIATION,

Plaintiff,

v.

DEN BESTE YARD & GARDEN, INC.,

Defendant.

Case No. 16-cv-03914-JST

**ORDER STRIKING DOCUMENTS
FILED BY PAUL DEN BESTE AND
DENYING MOTION TO STRIKE AS
MOOT**

Re: ECF Nos. 26-32, 36-37, 42

The sole defendant in this case, Den Beste Yard & Garden, Inc., is a corporation. Plaintiff alleges that “Paul Denbeste [sic] is identified as the operating manager and owner of Denbeste [sic] Yard & Garden, Inc. in the documents on file with the Regional Board, and is the agent for service of process on the defendant.” ECF No. 1 ¶ 9.

Paul Den Beste purported to file an answer, a motion for sanctions against former Plaintiff’s counsel Stephan C. Volker, and several other documents. ECF Nos. 26-32, 36, 42. The Court has already explained that Mr. Den Beste cannot represent Defendant because he is not an attorney:

“A corporation may appear in federal court only through licensed counsel.” *United States v. High Country Broad. Co.*, 3 F.3d 1244, 1245 (9th Cir. 1993). It does not appear that Mr. Den Beste is an attorney. See Civ. L.R. 3-4(a)(1) (attorney must place his or her bar number on any filings with the Court). Accordingly, Mr. Den Beste’s filing [requesting permission to file documents electronically] was not authorized and is ineffective.

ECF No. 40 (text-only entry); see also ECF No. 41 (Clerk’s notice regarding ECF No. 40 and certificate of service on Mr. Den Beste).

For the same reason, all of Mr. Den Beste’s other purported filings in this case are not authorized and ineffective. Accordingly, all such documents—including the purported answer—

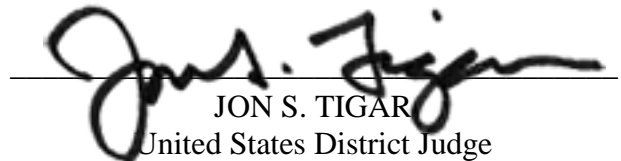
are stricken from the record. This includes ECF Nos. 26-32, 36, and 42. Mr. Volker's motion to strike, ECF No. 37, is denied as moot.

As the Court previously explained, Den Beste Yard & Garden can only appear in this Court through counsel. To allow additional time for Defendant to retain counsel, the initial case management conference is continued from October 4, 2017, to December 6, 2017, at 2:00 p.m., in Courtroom 9, 450 Golden Gate Avenue, San Francisco, California. The parties shall file a joint case management statement on or before November 27, 2017. If Defendant has not retained counsel by December 6, then Mr. Den Beste shall personally appear on that date to explain his efforts to locate counsel.

The Clerk shall serve a paper copy of this order on Mr. Den Beste.

IT IS SO ORDERED.

Dated: September 8, 2017


JON S. TIGAR
United States District Judge